

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 95

(By Mr. Mitchell)

PASSED March 10 1945

In Effect From Passage



95

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(BY MR. MITCHELL)

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AN ACT to amend and reenact section two, article three, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to memorials in memory of all persons who served in the armed forces of the United States; to provide revenue therefor; to provide a fund to erect new buildings, structures or monuments, acquire ground therefor; to remodel existing buildings; to provide a maintenance fund; to provide for a board of directors; to provide for the receipt of gifts; and to provide for a reasonable charge for the use of the facilities.

*Be it enacted by the Legislature of West Virginia:*

That section two, article three, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. *Memorials to Soldiers and Sailors; Memorial Fund.*—The county court of any county shall have the power, upon petition of twenty per cent of the voters of such county, based on the number of votes cast at the last general election, to acquire and establish at the county seat, or at any other suitable place within the county, by purchase or otherwise, ground, park or grove, and to erect and maintain thereon a building or buildings, structure or structures, monument or monuments, as a memorial in memory of and in recognition of the virtues and sacrifices of the soldiers and sailors from the county in the World Wars, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in the county, and thereafter a like tax of not more than two cents on the one hundred dollars, such tax to be levied and collected in like manner as the general taxes

18 of the county, which shall be kept separate in a fund to be  
19 known as the "Memorial Fund": *Provided*, That in any  
20 county, where such memorial has been established and  
21 partly completed the amount of levy for acquiring and  
22 establishing the same shall not be more than ten cents  
23 on the hundred dollars, and thereafter a like tax of not  
24 more than three cents on the hundred dollars of all tax-  
25 able property in the county.

26 Whenever such memorial is established under this  
27 section the county court shall appoint a board of directors  
28 equal in number to the magisterial districts of the county  
29 and select one from each of such districts from the citizens  
30 thereof, with reference to their fitness for such office.  
31 Such directors shall hold office for four year from the  
32 first day of July following their appointment, and until  
33 their successors are appointed. No person shall be ineli-  
34 gible to appointment by reason of sex. Vacancies in the  
35 board shall be reported to the county court and filled by  
36 appointment in like manner as original appointments for  
37 the unexpired term. The county court may remove any

38 director for misconduct or neglect of duty. No compen-  
39 sation shall be paid or allowed any director.

40 The board of directors of each memorial established  
41 under this section shall, immediately after their appoint-  
42 ment, meet and organize by electing one of their number  
43 as president and one as secretary; a majority of all the  
44 members of any board shall constitute a quorum for the  
45 transaction of business. They shall make and adopt such  
46 by-laws, rules and regulations from time to time, for their  
47 own guidance and for the government and use of the  
48 memorial, as may be expedient and not inconsistent with  
49 this section. Such board shall have authority to contract  
50 for the construction or purchase of a memorial established  
51 under this section and for repairs thereon or maintenance  
52 thereof and the supervision, care and custody of the  
53 ground, structure or structures: *Provided, however,* That  
54 all contracts shall be approved by the county court and  
55 that the expenditures of all funds shall be subject to the  
56 approval of the county court, and all moneys belonging to  
57 the memorial fund shall be deposited in the treasury of

58 such county to the credit of the memorial fund and shall be  
59 drawn therefrom on orders issued by the county court.  
60 Such orders shall not be drawn except upon requisition  
61 of the memorial board attached to proper authenticated  
62 vouchers. Ground, park or a grove for a memorial estab-  
63 lished under this section may be acquired by condem-  
64 nation by such board in the same manner as the county  
65 court may acquire other real estate for public uses and  
66 purposes, and the title of all such property shall be and  
67 vest in the county court. The board shall have power to  
68 appoint a suitable custodian and assistants and prescribe  
69 rules for their conduct, fix their duties and compensation,  
70 and shall have power to remove such appointees and,  
71 in general, to carry out the spirit and intention of this  
72 section.

73 Each memorial established under this section shall be  
74 free for the use of the inhabitants of the county, subject  
75 to such reasonable rules and regulations as the board may  
76 adopt, in order to render the use of such building or struc-  
77 ture of the greatest benefit to the greatest number; and

78 the board may exclude from the use of the building any  
79 and all persons who shall wilfully violate such rules. The  
80 board of directors may extend the use and privileges of  
81 the building and structure to an educational institution  
82 or to nonresidents of the county upon such terms and con-  
83 ditions as the board may prescribe.

84 The board of directors shall, on or before the first day  
85 of July in each year, make a report to the county court,  
86 stating the condition of the property, the various sums of  
87 money received from the memorial fund, and from all  
88 other sources, how much money was expended and for  
89 what expended; also an itemized budget estimate of ex-  
90 pense of the property for the ensuing year, with such  
91 other information and suggestions as they deem of general  
92 interest, or that may be required by the county court.

93 Any person or persons, including corporations, who  
94 desire to make donations of cash or other personal prop-  
95 erty or real estate for the benefit of the memorial, shall  
96 have the right to do so, and shall have the right to vest  
97 the title thereof in the county court, to be held in trust  
98 and controlled by such board, the same as the other prop-

99 erty owned or acquired, and according to the terms and  
100 for the purposes set out in the deed, gift, devise or be-  
101 quest.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris  
Chairman Senate Committee

J. A. DeGrueter Jr.  
Chairman House Committee

Originated in the Senate

Takes effect From passage

Harvard Hughes  
Clerk of the Senate

Phillip  
Clerk of the House of Delegates

Arnold W. Tickens  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 16  
day of March, 1945.

Oliver Meadows

Governor.

Filed in the office of the Secretary of State  
of West Virginia MAR 16 1945

Wm. S. O'BRIEN,  
Secretary of State

